

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-12, 14-26 and 28-47 are pending in this application. Claims 5, 7-12, 19, 21-26 and 29-47 have been withdrawn from consideration. Claims 1-4, 6, 14-18, 20 and 28 have been rejected in the Office Action. In this response, claims 1-4, 6, 14, 15 and 28 have been amended. Support for the amended claims can be found in the specification on page 6, lines 3-17. No new subject matter is added as a result of the amended claims.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112, but rather the amendments and remarks made herein are simply for clarification and to round out the scope of protection to which Applicants are entitled.

Initially, the Examiner is thanked for granting Applicants an After-Final telephone interview on January 5, 2006. Participants in the interview included Examiner Piziali, and Applicants' representatives R. Santucci, A. Mustillo and V. Shankam. The Final Office Action dated September 16, 2005, the cited references and the After-Final Amendment submitted on December 16, 2005 were discussed. Specifically, the amendments to independent claims 1 and 15 and U.S. Patent No. 5,685,015 to Dapsalmon ("Dapsalmon") were discussed. The Examiner indicated that the proposed claim amendments would probably not traverse the rejections set forth in the Final Office Action. In response, Applicants' representatives proposed amending the

claims to limit the core yarn to a monofilament yarn. The Examiner stated that amending the claims in the suggested manner coupled with additional arguments outlining the differences between the amended claims and Dapsalmon may traverse the rejections. An agreement with respect to the claims was not reached.

II. THE REJECTIONS UNDER 35 U.S.C. § 102(b) AND 35 U.S.C. § 102(e) AND 35

U.S.C. § 103(a)

In paragraph 6 of the Office Action, claims 1-4 and 6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 3,800,019 to Parsey et al. ("Parsey"). In paragraph 7 of the Office Action, claims 1-4 and 6 have been rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under §103(a) as obvious over U.S. Patent No. 6,653,943 to Lamb et al. ("Lamb"). In paragraph 8 of the Office Action, claims 1-4, 6, 14-18, 20 and 28 have been rejected under § 103(a) as being unpatentable over U.S. Patent No. 5,685,014 to Dapsalmon ("Dapsalmon") in view of any one of Parsey or Lamb. Lastly, in paragraph 9 of the Office Action, claims 1-4, 6, 14-18, 20 and 28 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,786,243 to Moriarity et al. ("Moriarity") in view of any one of Parsey or Lamb. The rejections are traversed for at least the following reasons.

As recited in revised claim 1, the instant invention is directed to a multilayer filament for use in an industrial fabric used in papermaking and related industries where the multilayer filament has a core comprised of a monofilament yarn surrounded by a plurality of respective layers and a means for indicating the level of wear of an industrial fabric comprised thereof. Therefore, in the instant invention, an individual, monofilament yarn comprises the core and is surrounded by a plurality of wear indicating layers. *See Instant Application*, page 6, lines 3-17.

In contrast, Parsey is directed to a rope structure constructed from a core of at least one bundle of filaments, wherein the core may be bound by a steel tape or wire or sheathed with two organic coatings of different colors. In these configurations, damage or wear to the rope can be detected by measuring the resistance between the steel binding means or by a change in the color on the outside of the rope. *See Parsey*, col. 1, line 39 - col. 2, line 29. As used in Parsey, a bundle is used "to denote a group of filaments arranged in parallel fashion. Such a group may be assembled by combining together without twisting a number of filamentary yarns to produce the larger bundle required for a rope core." *Id.* at col. 3, lines 50-55. Therefore, Parsey teaches a core comprised of a plurality of filaments (a multifilament core) that is sheathed, whereas the instant invention teaches a core comprised of a single filament (a monofilament yarn core) that is surrounded by a plurality of respective layers.

Lamb, in contrast to the instant invention, is directed to suspension ropes having polyurethane sheaths as used, for example, in an elevator assembly. *Lamb*, col. 2, lines 26-28. As depicted in Figure 1a, the suspension or wire rope 4 is constructed from a wire rope that includes a plurality of load supporting wire members or strands. *Id.* at col. 3, lines 16-20. In various embodiments, the wire rope in its entirety (which includes the plurality of wires or strands) is encased in sheaths of materials having differing properties where the properties of the sheath material are used to detect an amount or wear on the suspension rope. Therefore, Lamb teaches a plurality of wire members or strands that are sheathed, whereas the instant invention teaches a core comprised of a single monofilament yarn that is surrounded by a plurality of respective layers.

In view of the foregoing, since the relied upon portions of the cited references do not disclose a "core comprised of a monofilament yarn," Applicants respectfully request that the § 102 rejections be withdrawn.

In contrast to the instant invention, Dapsalmon is directed to a knitted piece of protective gear, such as a glove, to protect a person's limbs against injury. *See Dapsalmon*, col. 1, line 66 - col. 2, line 3. The piece of protective gear is knitted from yarns that "comprise[] a fiber core 3, surrounded by an outer fiber covering 4." *Id.* at col. 3, lines 46-47. As defined in Dapsalmon, "the term 'fiber' applies to any yarn 2 comprising short, long or continuous fibers or a mixture of these fibers." *Id.* at col. 3, lines 48-49. Moreover, whenever Dapsalmon refers to the "core," the specification uses the plural term "fibers." For instance, the specification states, "with fibers of the core 3 having a color chosen . . . For example, the fibers of the core," (*id.* at col. 4, lines 20-23), "[t]o contrast with the dark colored fibers of the core 3," (*id.* at col. 4, line 29), "the fibers of the core 3 are light," (*id.* at col. 5, line 22), "in the form of light lines or areas consisting of fibers of the core 3 protruding from the initial covering 4," (*id.* at col. 4, lines 25-27), and "distinction of color between the fibers of the core 3 and those of the covering 4," (*id.* at col. 4, lines 29-30). The Applicants' assertion that the core is comprised of a plurality of fibers is further confirmed by claim 1 that states, "the protective gear is at least partially knitted with yarn comprising a core of fibers surrounded by an outer fiber covering." (Emphasis added). Therefore, since a plurality of fibers make up the core 3, Dapsalmon discloses a yarn having a multifilament core 3, which is different than the monofilament yarn core of the instant invention.

Moreover, as recited in the claims, the instant invention is directed to " [a] multilayer filament for use in an industrial fabric used in papermaking and related industries." (Emphasis added). On page 7, the Office Action asserts that Dapsalmon does not teach or suggest that the disclosed filament is incapable of being used in an industrial fabric, therefore, it appears that the prior art structure is capable of performing the intended use. The Applicants respectfully disagree. As disclosed in Dapsalmon, "[t]he composition of the high-resistance fibers of the yarn 2 is chosen from amongst aramids, polyethylenes, carbons, glass and/or metal fibers such as

stainless steel fibers." *Id.* at col. 3, lines 54-56. Applicants submit that the yarns of Dapsalmon, specifically, yarns constructed from the high-resistance fibers recited above and having a multifilament core, are more pliable than the filaments of the instant invention. As a result, an industrial fabric constructed with the more pliable yarns of Dapsalmon would lead to undesirable fabric creep. Consequently, Applicants submit that the filaments of Dapsalmon are not capable of performing the intended use as an industrial fabric for use in papermaking and related industries. Therefore, since Dapsalmon fails to teach a yarn having a monofilament core that can be used to construct an industrial fabric, Applicants respectfully request that the §103(a) rejections in view of Dapsalmon, be withdrawn.

Regarding Moriarity, Applicants submit herewith a Terminal Disclaimer. Therefore, Applicants respectfully request that the nonstatutory double patenting rejection in view of Moriarity be withdrawn.

For at least the foregoing reasons, Applicants respectfully submit that amended independent claims 1 and 15 patentably distinguish over the relied upon portions of Parsey, Lamb, Dapsalmon and Moriarity, either alone or in combination, and are therefore allowable. Further, claims 2-4, 6 and 14 that depend from claim 1 and claims 16-18, 20 and 28 that depend from claim 15, are allowable therewith.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

In view of the foregoing, Applicants submit that the instant claims should be allowed and that the instant application is now in condition for allowance. Applicants further submit that this After-Final Amendment does not require an additional search. Therefore, Applicants respectfully request entry of this After-Final Amendment and favorable reconsideration of the application, withdrawal of the rejections, and prompt issuance of the Notice of Allowance.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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